

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

In re:

Chapter 7

JANICE MARIE ALTENDORF,

Debtor

Case No. 14-30651

ANDREW MURRAY,
TIM CHAPMAN, RUAN GOUWS,
HUGH BARRON, RAYMOND OWEN,
MORNE VIVIER, DORIN BUTNARIU,
and ANDRE MARNEWECK, individually
and on behalf of all similarly situated persons,

**PLAINTIFF'S RESPONSE
TO DEFENDANT'S
MOTION TO DISMISS
COMPLAINT AND
REQUEST TO DISMISS
ADVERSARY PROCEEDING**

Plaintiffs

-- against --

Adversary Proceeding No. 15-07002

ALTENDORF TRANSPORT, INC.

Defendant

On April 14, 2015, Defendant filed and served a motion to dismiss the complaint which initiated this adversary proceeding. See Doc. #5 at 1. In its brief in support of the motion to dismiss, Defendant “does not deny it is a corporate entity and not entitled to discharge under Section 727.” Id. at 3. With Defendant acknowledging it “cannot seek a discharge pursuant to Chapter 7,” Plaintiffs agree it is “moot for this Court to determine” the issue of dischargeability. Id. at 4. Plaintiffs nevertheless reserve their right to renew their objections to discharge should Defendant request to convert its case from Chapter 7 to a case under any other chapter of the bankruptcy code.

Pursuant to Rule 7041 of the Federal Rules of Bankruptcy Procedure and Rule 41 of the Federal Rules of Civil Procedure, Plaintiffs therefore request that the Court enter an order dismissing the adversary proceeding on terms the Court considers proper.

Respectfully submitted this 19th day of May, 2015.

By: 

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